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Proposed Counsel to the Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	
)	Chapter 11
)	
SIZMEK INC., <i>et al.</i> , ¹)	Case No. 19-10971 (SMB)
)	
Debtors.)	(Jointly Administered)
)	

**AMENDED² AGENDA FOR HEARING TO BE HELD
APRIL 23, 2019 AT 10:00 A.M. (PREVAILING EASTERN TIME)**

Time and Date of Hearing: April 23, 2019 at 10:00 a.m. (ET)

Location of Hearing: U.S. Bankruptcy Court
Courtroom 723
One Bowling Green
New York, NY 10004

Copies of Motions and Applications

Copies of each pleading identified below can be viewed and/or obtained (i) from the Debtors' proposed claims and noticing agent, Stretto, at <https://cases.stretto.com/sizmek> or (ii) by accessing the Court's website at www.nysb.uscourts.gov.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: Sizmek Inc. (4624); Point Roll, Inc. (3173); Sizmek DSP, Inc. (2319); Sizmek Technologies, Inc. (6402); Wireless Artist LLC (0302); Wireless Developer, Inc. (9686); X Plus One Solutions, Inc. and (8106); X Plus Two Solutions, LLC (4914). The location of the Debtors' service address for purposes of these chapter 11 cases is: 401 Park Avenue South, 5th Floor, New York, NY 10016.

² Amended items appear in bold.

A. Final Relief on Certain First Day Motions

1. **Wages Motion.** Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors (A) to Pay Prepetition Employee Wages, Salaries, Other Compensation, and Reimbursable Employee Expenses and (B) Continue Employee Benefits Programs, and (II) Granting Related Relief [Docket No. 15]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET)

Responses Received: Debtors have received an informal response from the Office of the United States Trustee regarding going forward on an interim basis.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Interim Order (I) Authorizing the Debtors (A) to Pay Prepetition Employee Wages, Salaries, Other Compensation and (B) Continue Employee Benefit Programs, and (II) Granting Related Relief [Docket No. 33]
- d. Supplement to Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors (A) to Pay Prepetition Employee Wages, Salaries, Other Compensation, and Reimbursable Employee Expenses and (B) Continue Employee Benefits Programs, and (II) Granting Related Relief [Docket No. 49]
- e. Notice of Hearing [Docket No. 55]

Status: This matter is going forward for the purpose of presenting a proposed final order.

2. **Cash Collateral Motion.** Debtors' Motion for the Entry of Interim and Final Orders (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363; and (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) [Docket No. 14]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET) (which deadline has been extended for certain parties in interest by agreement with Debtors).

Responses Received: Debtors have received informal responses from the Office of the United States Trustee regarding going forward on an interim basis.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of

Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]

- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Interim Order (I) Authorizing the Debtors to Use Cash Collateral Pursuant to 11 U.S.C. § 363, and (II) Granting Adequate Protection Pursuant to 11 U.S.C. §§ 361, 362, 363, and 507, and Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001 [Docket No. 37]
- d. Notice of Hearing [Docket No. 55]
- e. **Notice of Filing of Revised Proposed Second Interim Cash Collateral Order [Docket No. 90]**

Status: This matter is going forward for the purpose of presenting a proposed **second interim** order.

3. **Cash Management Motion.** Debtors' Motion Seeking Entry of an Order (I) Authorizing the Debtors to (A) Continue to Operate Their Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Existing Business Forms, and (D) Continue to Perform Intercompany Transactions, (II) Granting Administrative Expense Status to Postpetition Intercompany Balances, and (III) Granting Related Relief [Docket No. 16]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET)

Responses Received: Debtors have received informal responses from certain parties in interest, which responses have been addressed by modifications to the proposed form of order that will be presented to the Court at or prior to the hearing on the motion. Debtors also have received an informal response from the Office of the United States Trustee regarding going forward on an interim basis.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Interim Order (I) Authorizing the Debtors to (A) Continue to Operate Their Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Existing Business Forms, and (D) Continue to Perform Intercompany Transactions, (II) Granting Administrative Expense Status to Postpetition Intercompany Balances, and (III) Granting Related Relief [Docket No. 35]
- d. Notice of Hearing [Docket No. 55]

e. Notice of Filing of Revised Proposed Orders [Docket No. 88]

Status: This matter is going forward for the purpose of presenting a proposed final order.

B. Additional Matters

1. **Case Management Motion.** Debtors' Motion for Entry of an Order Establishing Certain Notice, Case Management, and Administrative Procedures [Docket No. 18]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET)

Responses Received: Debtors have received informal responses from certain parties in interest, which responses have been addressed by modifications to the proposed form of order that will be presented to the Court at or prior to the hearing on the motion. Debtors also have received an informal response from the Office of the United States Trustee regarding going forward on an interim basis.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Notice of Hearing [Docket No. 55]

Status: This matter is going forward for the purpose of presenting a proposed order.

2. **Taxes Motion.** Debtors' Motion for Entry of an Order Authorizing the Payment of Certain Prepetition Taxes and Fees [Docket No. 47]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET)

Responses Received: Debtors have received an informal responses from the Office of the United States Trustee regarding going forward on an interim basis.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Notice of Hearing [Docket No. 55]

Status: This matter is going forward for the purpose of presenting a proposed order.

3. **Utilities Motion.** Debtors' Motion for Entry of an Order (I) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Utility Services, (II) Determining Adequate Assurance of Payment for Future Utility Services, and (III) Establishing Procedures for Determining Adequate Assurance of Payment [Docket No. 48]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET)

Responses Received: Debtors have received an informal response from the Office of the United States Trustee regarding going forward on an interim basis.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Notice of Hearing [Docket No. 55]

Status: This matter is going forward for the purpose of presenting a proposed order.

4. **Insurance Motion.** Debtors' Motion for Entry of an Order Authorizing Debtors to (I) Pay Their Obligations Under Prepetition Insurance Policies, (II) Continue to Pay Certain Brokerage Fees, and (III) Renew, Supplement, Modify, or Purchase Insurance Coverage [Docket No. 46]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET) (which deadline has been extended for certain parties in interest by agreement with Debtors)

Responses Received: Debtors have received informal responses from certain parties in interest, which responses have been addressed by modifications to the proposed form of order that will be presented to the Court at or prior to the hearing on the motion. Debtors also have received an informal response from the Office of the United States Trustee regarding going forward on an interim basis.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Notice of Hearing [Docket No. 55]

d. Notice of Filing of Revised Proposed Orders [Docket No. 88]

Status: This matter is going forward for the purpose of presenting a proposed order.

5. **Interim Compensation Motion.** Debtors' Motion for Entry of an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals [Docket No. 50]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET)

Responses Received: None.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Notice of Hearing [Docket No. 55]

Status: This matter is going forward for the purpose of presenting a proposed order.

6. **Consolidated List of Creditors Motion.** Debtors' Motion for Entry of an Order (I) Authorizing Debtors to (A) Prepare a List of Creditors in Lieu of Submitting a Formatted Mailing Matrix and (B) File a Consolidated List of the 50 Largest Unsecured Creditors, and (II) Approving the Form and Manner of Notifying Creditors of Commencement of These Chapter 11 Cases [Docket No. 51]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET)

Responses Received: None.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Notice of Hearing [Docket No. 55]

Status: This matter is going forward for the purpose of presenting a proposed order.

7. **Katten Retention Application.** Debtors' Application for Entry of an Order Authorizing the

Retention and Employment of Katten Muchin Rosenman LLP as Counsel for Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to March 31, 2019 [Docket No. 52]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET)

Responses Received: None.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Notice of Hearing [Docket No. 55]

Status: This matter is going forward for the purpose of presenting a proposed order.

8. **FTI Retention Application.** Debtors' Application for Entry of an Order (I) Authorizing the Retention and Employment of FTI Capital Advisors, LLC as Financial Advisor and Investment Banker for the Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date, (II) Approving the Terms of Employment, and (III) Granting Related Relief [Docket No. 53]

Objection Deadline: April 16, 2019 at 4:00 p.m. (ET)

Responses Received: None.

Replies Filed: None.

Related Documents:

- a. Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 13]
- b. Supplemental Declaration of Sascha Wittler, Chief Financial Officer of Sizmek Inc., (I) in Support of Chapter 11 Petitions and (II) Pursuant to Local Rule 1007-2 [Docket No. 54]
- c. Notice of Hearing [Docket No. 55]
- d. **Supplemental Declaration of Glenn Tobias in Support of Debtors' Application for Entry of an Order (I) Authorizing the Retention and Employment of FTI Capital Advisors, LLC as Financial Advisor and Investment Banker for Debtors and Debtors in Possession Effective *Nunc Pro Tunc* to the Petition Date, (II) Approving the Terms of Employment, and (III) Granting Related Relief [Docket No. 89]**

Status: This matter is going forward for the purpose of presenting a proposed order.

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Dated: April 22, 2019
New York, New York

/s/ Steven J. Reisman

KATTEN MUCHIN ROSENMAN LLP

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